

*United States Court of Appeals
for the Second Circuit*



**PETITIONER'S
BRIEF AND
APPENDIX**

75-4261

UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

ANTOINE THUREL,

Petitioner,

- v -

Docket No. 75-4261

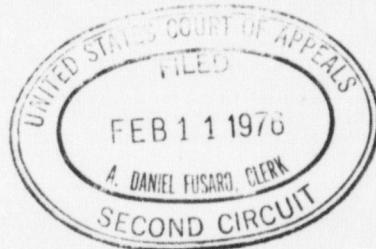
IMMIGRATION AND NATURALIZATION
SERVICE,

Respondent

APPENDIX TO PETITIONER'S BRIEF

CLAUDE HENRY KLEEFIELD, ESQ.
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FEBRUARY, 1976



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United States Department of Justice
Board of Immigration Appeals
Washington, D.C. 20530

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File: A20 595 053 - New York

In re: ANTOINE THURSL

OCT 29 1975

IN DEPORTATION PROCEEDINGS

APPEAL

ON BEHALF OF RESPONDENT: Fried, Fragomen & Del Rey, P.C.
515 Madison Avenue
New York, New York 10022

ON BEHALF OF I&N SERVICE: George Indelicato
Appellate Trial Attorney

ORAL ARGUMENT: September 10, 1975

CHARGE:

Order: Section 241(a)(2), I&N Act (8 U.S.C. 1251
(a)(2)) - Nonimmigrant visitor -
remained longer than permitted

APPLICATION: Withholding of deportation under sec-
tion 243(h), Immigration and Nationality
Act

This is an appeal from an order of an immigration judge, dated August 13, 1974, which finds the respondent deportable as charged, denies his application for with-
holding of deportation under section 243(h) of the Immigration and Nationality Act, and which grants him the privilege of voluntary departure. The appeal will be dismissed.

The respondent, a 44-year-old male alien who is a native and citizen of Haiti, entered the United States on or about August 2, 1970 as a nonimmigrant visitor authorized to remain until August 24, 1970.

He has remained beyond that date without permission. The allegations contained in the Order to Show Cause were admitted and deportability has been conceded. Our review of the record satisfies us that deportability has been established by evidence which is clear, convincing and unequivocal.

The respondent bases his section 243(h) claim on his support for Juan Daniel Fignole, a political figure in Haiti during 1956 and 1957, prior to the 1957 election which brought Francois Duvalier to power. The respondent also claims that he was associated with the "Groupement Jumelliste" in which his cousin, Josne Jean Baptiste, was an active member. The "Groupement Jumelliste" was opposed to the government of Francois Duvalier. The record indicates that the respondent remained in Haiti until 1970 without any evidence of harassment or mistreatment and his cousin was elected to the Haitian Congress and did not leave until 1963 when he claims he fled to the United States with the help of the Embassy of Guatemala.

The respondent testified that he had never been arrested nor questioned by the Haitian police and had not been subject to any mistreatment whatever during the years he lived there for the events in which he publicly participated with Josne Jean Baptiste.

The immigration judge concluded that there is no substantial evidence to support the respondent's contention "that his fear of persecution is well founded - if indeed - it exists at all." The immigration judge added that there is nothing in the record to support the respondent's contention other than the merest of conjectures.

We have carefully reviewed the record including counsel's contentions on appeal and we conclude that the respondent has failed to show a well-founded fear that his life or freedom will be threatened in Haiti on account of his race, religion, nationality, membership of a particular social group or

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political opinion. We therefore conclude that he will not be subject to persecution if deported there. See Matter of Dumar, Interim Decision 2192 (BIA 1973). We accordingly shall uphold the immigration judge's decision and dismiss the appeal.

ORDER: The appeal is dismissed.

FURTHER ORDER: Pursuant to the immigration judge's order, the respondent is permitted to depart from the United States voluntarily within 30 days from the date of this order or any extension beyond that time as may be granted by the District Director; and in the event of failure so to depart, the respondent shall be deported as provided in the immigration judge's order.

Howard L. Berkman

Chairman

UNITED STATES DEPARTMENT OF JUSTICE
Immigration and Naturalization Service

August 13, 1974

File No.: A 20 505 653 - New York

In the Matter of:)

Antoine Thurel) In Deportation Proceedings

- Respondent -)

CHARGE: I & N Act - Section 241(a)(2) - (8 USC 1151 (a)(2)) -
nonimmigrant visitor - remained longer.

APPLICATION: Voluntary departure and withholding of deportation to
Haiti under Section 243(l).

In Behalf of Respondent:

Patrick J. Conroy, Jr., Esq.
515 Madison Avenue
New York, N. Y.
(Of Counsel: Fried, Margolis and Del Ray, Esqs.)

In Behalf of Service:

Anthony DeGaudio, Esq.,
Trial Attorney

ORAL DECISION OF THE IMMIGRATION JUDGE

Respondent is a 43 year old widower, a native and citizen of Haiti who entered the United States at Miami, Florida on August 2, 1970 as a visitor for pleasure authorized to remain until August 24, 1970 and remained after that date without authority and who is subject to deportation under Section 241(a)(2) of the Act as a nonimmigrant visitor who has remained for a longer time than permitted, as he admits. Respondent has made no designation of a country of deportation and has applied for withholding of deportation to Haiti if an order of deportation were to be entered.

Respondent has applied for the privilege of voluntary departure and testified that he has never been arrested by the police anywhere in

the world, never been a member of any communist organization and that he has sufficient funds, and would depart within the time given to him if given the opportunity. He believes he would need approximately three months to arrange his affairs to leave.

Respondent has also applied for withholding of deportation to Haiti on the ground that he fears to return there because of his political activities in that country. To warrant the grant of Section 243(h) relief respondent must show that he has a reasonable basis for fearing the particularized persecution contemplated by said Section by reason of his race, religion, political opinion or membership in a particular class or nationality. This respondent has failed to do. Respondent testified he was a supporter of Pignole, a political figure in Haiti during 1956 and 1957, prior to the 1957 elections whereby the regime of Francois Duvalier came to power. Pignole left Haiti prior to those elections, apparently exiled by the then ruling military junta and has never returned to Haiti. Because of his close association with a cousin respondent testified in the course of these proceedings, that he would likely be singled out for the kind of persecution contemplated by the statute. This at least is his contention. Respondent testified that thousands of followers of Pignole were killed by the military junta or were cruelly persecuted. From all of his testimony it is shown that he never was arrested, nor questioned by the police and has never been subjected to any mistreatment whatsoever in the 16 or 18 years he lived there for events in which he publicly participated to the extent of being

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associated with his cousin who was elected to Congress. However, the cousin remained in Haiti until 1963, and there is not a scintilla of evidence that anything ever happened to either the respondent or his cousin who was obviously much more prominent, since he was a member of Congress. Moreover, the respondent remained in Haiti until 1970, six years after the death of the notorious Francois Duvalier. There is no evidence to show that anything at all untoward ever happened to him. He failed to submit any substantial evidence to support his contention that his year of persecution is well founded - if indeed it exists at all. There is absolutely nothing in the record to support his contention other than the merest of conjectures. Accordingly his request for the withholding of deportation to Haiti will be denied. Voluntary departure for a period of thirty days will be authorized - not the ninety days he claims he requires - - as undoubtedly an even longer period of time will pass before the case is disposed of with a final order. The respondent has indicated he would appeal a decision adverse to his contention.

ORDER: IT IS ORDERED that in lieu of an order of deportation, respondent be granted voluntary departure without expense to the government on or before September 13, 1971, or any extension beyond that date as may be granted by the District Director and under such conditions as the District Director shall direct.

IT IS FURTHER ORDERED that if the respondent fails to depart when and

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as required the privilege of voluntary departure shall be withdrawn without further notice or proceedings and the following order shall thereupon become immediately effective: respondent shall be deported from the United States to Haiti on the charge contained in the Order to Show Cause.

IT IS FURTHER ORDERED that the request for the withholding of deportation to Haiti be denied.

Francis J. Lyons
FRANCIS J. LYONS
Immigration Judge

MATTER OF

Antoine Gervais

Respondent

U.S. ATTORNEY'S OFFICE, N.Y.C.

IN Deportation

PROCEEDINGS

TRANSCRIPT OF HEARING

Before: Francis J. Lyons, Immigration Judge

Date: August 13, 1974 Place: 20 West Broadway, New York, N.Y.

Transcribed by P. J. Killen

Recorded by IRM Janier

Official Interpreter Mrs. Kath Wahl (M.I.N.S.)

Language French

APPEARANCES:

For the Service:

Anthony DeGaetos, Esq.,

Trial Attorney

New York, N.Y.

Station

For the Respondent:

Patrick J. Quayne, Jr., Esq.,

515 Madison Avenue

New York, N.Y.

(of counsel: Fried, Fragomen & Bay, Esqs.)

IMMIGRATION JUDGE TO RESPONDENT (through interpreter):

Q What is your name?

A Antoine Thurel.

Q Mr. Quayne is your attorney?

A Yes.

IMMIGRATION JUDGE: Mr. Quayne, are you ready?

MR. QUAYNE: Yes, your honor.

IMMIGRATION JUDGE TO RESPONDENT:

Q Will you stand and cause your right hand to be sworn. Do you solemnly swear the testimony you will give in this proceeding will be the truth, the whole truth, and nothing but the truth, so help you God?

A I do.

IMMIGRATION JUDGE: Mr. Quayne, do you, on behalf of your client, concede service of the Order to Show Cause?

MR. QUAYNE: Yes.

IMMIGRATION JUDGE: Do you waive the reading of the contents?

MR. QUAYNE: Yes, your honor.

IMMIGRATION JUDGE: Do you concede the truth of the six factual allegations in the Order?

MR. QUAYNE: Yes, your honor.

IMMIGRATION JUDGE: And deportability on the charge?

MR. QUAYNE: Yes, your honor.

IMMIGRATION JUDGE TO RESPONDENT:

Q In the event of deportation, Mr. Thurel, you would have the right to name the country to which you would be sent. If you were to be deported from the United States, to what country would you want to be sent?

A Canada.

TRANSCRIPT OF HEARING

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1 A Canada.

2 Q Have you ever been a citizen or resident of Canada?

3 A No.

4 Q Then you may not select Canada, nor Mexico, nor any of the islands,
5 except Haiti, unless you are or have been a citizen or resident of
6 that country. Do you want to make a selection of any country? Do
7 you want to speak to Mr. Quayne?

8 IMMIGRATION JUDGE: Off the record. Now, let's go back on the record.

9 IMMIGRATION JUDGE to RESPONDENT: (through official interpreter):

10 Q Now you have had an opportunity to discuss this matter with Mr. Quayne.
11 Am I correct that you do not choose to make any selection?

12 A That is correct, your honor.

13 Q And is there any reason why you could not return to Haiti?

14 A Well, your honor, I would be afraid, afraid I would be killed in Haiti.

15 IMMIGRATION JUDGE: Then, I assume there is going to be an application
16 under Section 213(h)?

17 MR. QUAYNE: Yes, your honor.

18 IMMIGRATION JUDGE: Are you prepared to file that today?

19 MR. QUAYNE: Well, what you have...

20 IMMIGRATION JUDGE: I have nothing. Are you ready to file that request
21 today, Mr. Quayne? What is the date of that? All right, you have the
22 received application for withholding of deportation, the application -
23 the affidavit, which is dated February 28, 1974. I will make that a part of
24 the record as Exhibit Two. Now, alternatively, is there an application for
25 voluntary departure?

26 MR. QUAYNE: Yes.

TRANSCRIPT OF HEARING

1 IMMIGRATION JUDGE: Well, do you want to question your client, first of all,
2 on voluntary departure?

3 MR. QUAYNE TO RESPONDENT:

4. Q Have you ever been a member of the Communist Party?

5 A Never, sir.

6 Q Have you ever been arrested?

7 A No.

8 Q If you are given permission to leave voluntarily would you leave when
9 required by the government to leave, and at your own expense?

10 A Yes

11 IMMIGRATION STATUS: Now, Mr. or Mrs. or Miss (Mr.) do you want to question him?

12 MR. QUAYLE: Yes, Sir.

13 IMMEDIATELY JUNE 6 ahead.

14 MR. QUARRELL REPORTS:

15 Q Mr. Therol, you said, in your affidavit that you were afraid to return
16 to Haiti because you were a member of the Fignole group....

17. **REDFERNSON** **STATED** Just a minute, is that men here as a witness?

18 MR. QUAYLE: Yes, your honor.

19 M. IGP' TONY JOLANI: Then, suppose you have him wait outside. Go on, now.

20 BY RESPONDENT: I am afraid to return to Haiti because of danger to be from
21 the Tonton Macoute and their followers in Haiti, and aside from that danger
22 which I would put myself in if I return to Haiti...

23 MR. QUAYNE TO RESPONDENT:

24 Q Were you a member of the Fignole group?

25 A I was.

26 Q And ~~as~~ this group in favor of the present government in Haiti.

TRANSCRIPT OF HEARING

United States Department of Justice — Immigration and Naturalization Service

1 IMMIGRATION JUDGE: Wait a minute, the present government was not in at
2 that time.

3 MR. QUAYNE: TO RESPONDENT:

4 Q Was this Fignole group in favor of the government in power at that time?

5 IMMIGRATION JUDGE: What government is that? I don't know.

6 BY RESPONDENT: There was a military coup, and a new government was set up.

7 IMMIGRATION JUDGE: TO RESPONDENT:

8 Q And that was led by whom? Speak up, Spell that name?

9 A K e b r e a u.

10 IMMIGRATION JUDGE: To ahead, Mr. Quayne.

11 MR. QUAYNE: TO RESPONDENT:

12 Q Was this group opposed to the military junta, your group?

13 A We were opposed to the leadership of Mr. Kebreau. Mr. Juneau took over
14 and he was the leader of the coup, and he remained in power till Duvalier.

15 IMMIGRATION JUDGE: TO RESPONDENT:

16 Q And he remained in power until Duvalier was elected?

17 A Yes.

18 Q Did Fignole ever go back to Haiti?

19 A No, they had to go to Haiti.

20 MR. QUAYNE: TO RESPONDENT:

21 Q Were any of the members of your group ever punished?

22 A Hundreds and thousands of the followers of Kebreau were killed, and
23 others were cruelly persecuted.

24 Q And were you thereafter associated with a group called Jumeliste group?

25 A Yes, I was a member of the Jumeliste Party.

26 Q Were you actively involved in that campaign?

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TRANSCRIPT OF HEARING

IMMIGRATION JUDGE: What campaign?

1 MR. QUAYNE: The 1957 campaign.

² IMMIGRATION JUDGE : Go ahead.

3 MR. QUAYNE TO RESPONDENT:

⁴ One was non-voting in that election.

5

10

MR. GUTHRIE TO THE CHIEF:

16 *Journal of Health Politics, Policy and Law* / March 2003

18 IMMIGRATION JUDGE: He said no, he said he had never been arrested anywhere
19 to the court.

22

23

BY RESPONDENT. NO.

MR. QUAYRE : I have no further q-

IMMIGRATION JUDGE:

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TRANSCRIPT OF HEARING

1 A There were quite a few of us but we were concealing our activities.
2 Q They never found out about you, is that right?
3 A No, because we were careful, we distributed leaflets and tracts.
4 Q When did you do this?
5 A 1958, 1959, 1960.
6 Q What is the name of your cousin?
7 A Josur Jean Baptiste.
8 Q How is he a cousin?
9 A His mother is a cousin of my mother.
10 Q Who do you work for?
11 A I was a gruck driver for Mr. Bennett.
12 Q Were any of these programs under government subsidy?
13 A No, but I worked at one time for a company.
14 IMMIGRATION JUDGE TO RESPONDENT:
15 Q When was that?
16 A 1960 and 1961.
17 Q Were any of your campaign activities on behalf of the government?
18 A No
19 MR. QUAYLE: Objection.
20 IMMIGRATION JUDGE: All right, I don't think it is significant anyway.
21 MR. DE CAETE TO RESPONDENT:
22 Q Do you have any relatives living in Haiti?
23 A I only have my children.
24 IMMIGRATION JUDGE TO RESPONDENT:
25 Q How old are your children?
26 A The ages are 14, 13, 12, 10, 8, and 7.

TRANSCRIPT OF HEARING

- 14 a - 200 - 1

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1 Q And how old are you?

2 A 43.

3 IMMIGRATION JUDGE: Luncheon recess. We will resume at one o'clock.

4 Hearing is resumed after luncheon recess.

5 Mr. DeGARO, you were, I believe, about to show the request forwarded by the
6 District Director to the Department of State, and their reply. Will you now
7 show both of them to Mr. Quayne?

8 MR. DeGARO: Yes, I have.

9 IMMIGRATION JUDGE: I will accept this solely for the purpose of showing that
10 there has been compliance with certain administrative instructions, but I
11 don't intend to be misled by false conclusions except insofar as I may have
12 the same view. I take it there is no objection?

13 MR. QUAYNE: No, sir.

14 IMMIGRATION JUDGE: I take it that the affidavit that this refers to is the
15 same affidavit that I have here - Exhibit 2?

16 MR. QUAYNE: Yes, your honor.

17 IMMIGRATION JUDGE: You have a witness, Mr. Quayne?

18 MR. QUAYNE: I do.

19 IMMIGRATION JUDGE: Witness:

20 Q Will you move up there and take that seat. What is your name?

21 A Jessie Jean Baptiste.

22 Q Will you keep your voice up, and speak slowly. Will you stand up and
23 raise your right hand to be sworn. Do you solemnly swear the testimony
24 you will give in this proceeding will be the truth, the whole truth, and
25 nothing but the truth, so help you God?

26 A I do.

TRANSCRIPT OF HEARING

1 Q Please speak directly into the microphone and keep your voice up.
2

3 IMMIGRATION JUDGE: All right, Mr. Quayne.

4 MR. QUAYNE TO RESPONDENT: - to witness:

5 Q Are you related to Antoine There?

6 A Yes.

7 IMMIGRATION JUDGE: All right, the witness indicates he prefers testifying
8 in French and we will use the interpreter. All right, Mr. Quayne go on.

9 MR. QUAYNE TO WITNESS:

10 Q You are related to Antoine There, how are you related?

11 A He is my cousin, my first cousin.

12 Q Did you know him in Haiti?

13 A Yes.

14 Q When did you leave the United States?

15 A 1963.

16 Q What political activities did you engage in in Haiti?

17 A I was in 1957 a member of the Congress in my country. This was at the
18 same time that Mr. Duvalier became President of the Republic. And, after
19 Mr. Duvalier came into power he dissolved the Congress. The reason for
20 this was that Mr. Duvalier did not permit any opposition, and after the
21 Congress was dissolved, I remained in the country for one year.

22 Q What happened then?

23 A The Tonton Macoute came to my house in order to arrest me, but I was not
24 at home on that day, but I heard of the Tonton Macoute coming to my house
25 and I did not return to my own house but sought refuge in the Embassy of
26 Guatemala. While I was at the Embassy, the Embassy asked to let me
attend where the members of OAS were meeting, but I went to the United

TRANSCRIPT OF HEARING

1 States instead of going to Guatemala and then, I arrived here.

2 IMMIGRATION JUDGE TO WITNESS:

3 Q Where did you get your visa?

4 A Pardon?

5 Q- A The visa for permanent residence?

6 A With me and my family, we were five.

7 MR. QUAYNE TO WITNESS:

8 Q For what reason if you know did the Consul give you a visa?

9 A Well, as I said before, the Embassy of Guatemala intervened.

10 Q When you were arrested...

11 IMMIGRATION JUDGE: He didn't say that he had been arrested?

12 BY WITNESS: They looked for me, but I was not at home.

13 Q In what way did you oppose the Duvalier regime?

14 IMMIGRATION JUDGE: He hasn't said that he did.

15 MR. QUAYNE TO WITNESS:

16 Q Were you actively opposed to Duvalier?

17 A Everyone knows I was against Duvalier. I formed my own underground party.

18 Q What did you do?

19 A Everyone knows I was against Duvalier, I was known for my principles and also those who were regular followers of Fignole and opposed to Duvalier long before he came into power. I cried in every way.

20 Q It strikes me that the present government in Haiti knows that you were associated with these organizations.

21 MR. DEGAETO: Objection.

22 IMMIGRATION JUDGE: Objection sustained. Anything else, Mr. Quayne?

TRANSCRIPT OF HEARING

United States Department of Justice — Immigration and Naturalization Service

1 MR. QUAYNE: That is all.

2 IMMIGRATION JUDGE: Mr. De Gatto?

3 MR. DECAUTO TO WITNESS:

4 Q Can you tell us any specific acts which you took against the government
5 or Haiti?

6 A I was among the most active.

7 IMMIGRATION JUDGE TO WITNESS:

8 Q Among the most active?

9 A At the time I fled.

10 Q When was that?

11 A Between the end of fifty and sixty-one.

12 MR. DECAUTO TO WITNESS:

13 Q Did you have a staff when you were a Congressman?

14 A In Haiti, it is not like here, you don't have a big staff.

15 Q Will you tell me how you are related to the respondent?

16 A He is my cousin.

17 IMMIGRATION JUDGE TO WITNESS:

18 Q When were you last in Haiti?

19 A In 1963.

20 Q How many times have you been in the United States?

21 A I was in the United States on my way to Africa and I returned to Haiti
22 again through the United States.

23 Q How long did you stay in Africa?

24 A At that time I stayed about one month in Africa.

25 Q And that was in 1960?

26 A Yes.

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TRANSCRIPT OF HEARING

United States Department of Justice — Immigration and Naturalization Service

1 MR. DEGAETO TO WITNESS:

2 Q Well, since you were the most active member of this group that you had,
3 was it well known that you were associated with this group?

4 A Yes.

5 Q So, it would certainly be known to the government?

6 A I am sure that is so.

7 Q I am talking about when this was going on, back in 1960 and 61 and 62 and
8 63. Your activities were well known in the community, is that right?

9 A Well, naturally it was known. Everybody knew it.

10 IMMIGRATION JUDGE: Anything else, Mr. Quayne?

11 MR. QUAYNE: Not at this time.

12 IMMIGRATION JUDGE TO RESPONDENT:

13 Q If you were given permission to leave voluntarily how soon would you be
14 ready to leave?

15 A About three months, sir.

16 Q Why would you need three months?

17 A Well, to put my affairs in order here. I have some things to do.

18 IMMIGRATION JUDGE: Anything else, Mr. Quayne?

19 MR. QUAYNE: In case of an adverse judgment, I would like to appeal...

20 IMMIGRATION JUDGE: You haven't gotten a decision yet.

21 IMMIGRATION JUDGE: Anything else, Mr. DeCAETO:

22 MR. DECAETO: Nothing further.

23 IMMIGRATION JUDGE: I will now state my decision for the record.

24 NOTE: At this point in the proceeding, the Immigration Judge delivered his
25 oral decision in this matter. This has been transcribed separately and is
26 attached. * * * * *

1 IMMIGRATION JUDGE: Mr. Quayne, do you reserve your right to appeal?

2 MR. QUAYNE: Yes, your honor.

3 IMMIGRATION JUDGE: You can do appeal within 30 days, August 23rd.

4 IMMIGRATION JUDGE TO INTERPRETER: You have explained the decision to him,

5 Mrs. Wahli?

6 BY INTERPRETER: Yes, sir, I have.

7 IMMIGRATION JUDGE: Hearing closed.

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AFFIDAVIT

STATE OF NEW YORK)
) SS.:
COUNTY OF NEW YORK)

I, Antoine Thurel, being duly sworn, depose and say:

1. I was born in Haiti on June 13, 1931 and I am presently residing at 711 Amsterdam Avenue, Apt. 3B, New York, New York.

2. I reside with my first cousin Josue Jean-Baptiste at the above address.

3. I am a widower and I have six children in Haiti who are living with a close relative of my late wife. I support my children by sending money through a third party because I am afraid that if I send the money directly to them it would never reach them because of the problems I had with the Haitian Government.

4. I am frightened to return to Haiti for even one day. If I am forced to return I am certain my life would be in danger. My fears are based upon the fact that I was a member of the Fignole group and very close to this Haitian labor movement. The movement was also a political organization and it was very much opposed to the Duvalier regime. Many of my family members as well as friends and acquaintances know of my close relationship with this group and I am certain that the Haitian Government is aware of this past membership. I have personal knowledge of the fact that my acquaintances associated with this organization have been ruthlessly murdered by agents

of the Duvalier Government, many others were imprisoned and still remain in jail as a result of their association with the Fignole group. The Haitian military junta dissolved the party in 1957. After they were aware I was in Haiti I was living in hiding in constant fear since many members of the Fignole group in addition to being murdered or jailed simply disappeared without a trace.

5. Sometime shortly after 1957 I secretly became associated with "Groupment Jumelliste". This party of which my cousin was a member also was headquartered in Port of Prince and I became actively involved in various acts of defiance of the Haitian Government. Josue Jean-Baptiste was also a member of Depute au Corps Legislatif. This group was directly opposed to the Haitian regime and demanded that new elections be held so that a democratic government be elected. I was also actively involved in propaganda efforts for this party and I attended ritually all their political meetings. It must be understood that this organization in addition to the "Groupment Jumelliste" was a clandestine organization and was working completely without government sanction. We all knew that we were in constant danger of detection by the Government and that we would be killed or imprisoned if we were detected. In 1962 my cousin fled to the United States and has since not returned to Haiti. At that time he was in eminent dangers of being arrested by the Haitian authorities. This movement disappeared because all of its members were either apprehended or were taking away by the ton ton macoutes, the Haitian secret police. I was unfortunately not able to carry on the orga-

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nization however, I was charged with the responsibility of destroying all of its records pertaining to the political aims of the organization because I knew if they were found and if my name was associated with the organization the Duvalier Government would be sure that I be killed. Thereafter I did not dare contact any of the opposition movements because I was afraid that my name was known to the government and that I would be found through membership in another organization. I was only able to leave Haiti because of my ingenuity and good luck, but I am certain that if I return government officials would be waiting at the airport for me to arrive and see that I am imprisoned because of my relation with the opposition groups. There is an organization in Haiti called Leopard which is charged with tracking down and arresting dissidents and I am sure they were looking for me.

6. It is well known amongst Haitians in the United States that conditions in Haiti are very, very bad and that the regime is not one based on laws, but based on the individual brutality of men. It is also well known that any form of defiance of the Haitian Government will result in brutal persecution and I am sure if I am forced to return I will in fact be persecuted. I feel most certain because I know that my cousin Josue Jean-Baptiste is still being watched by Haitian agents in the United States, and they are generally aware of all of his associations and surely aware of my relationship to him. It is respectfully requested that I be permitted to remain in the United States until the Government of Haiti become democratic and unoppressive.

ss.: Antoine Thurel

Sworn to before me this
28 day of February 1974.

ss.: Patrick J. Quane Jr.
Notary Public



DEPARTMENT OF STATE

Washington, D. C. 20520

JUL 16 1974

Dear Mr. Marks:

Reference is made to your letter of March 5, 1974, concerning the request for asylum of Antonine Thurel, (A20 595 053), a citizen of Haiti.

On the basis of the information provided we do not believe that Mr. Thurel has made a valid claim to asylum. He bases his claim to asylum on having been a supporter of Juan Daniel Fignole, an opponent for the former President, Francois Duvalier. All of Mr. Thurel's political activities appear to have taken place in the period prior to 1962. He fails to demonstrate that he was either prominent or held a leadership role in this movement. It is noted that since that time there has been a change in the Government of Haiti. It is hardly likely that the current Government of Haiti would have any interest in the political activities of a minor figure which took place some 12-14 years ago. Unless Mr. Thurel can provide additional information indicating that he does indeed have a well-founded fear of persecution should he return to Haiti, we must conclude that his application for asylum is motivated by other factors.

Unless Mr. Thurel can provide more substantial evidence to support his claim, we are unable from the information thus far submitted to conclude that he should be exempted from regular immigration procedures on the grounds that he would suffer persecution on account of race, religion, nationality, political opinion, or membership in a particular social group should he return to Haiti. Should Mr. Thurel present additional information which to the Service seems to require further review, we will be pleased to give further consideration to his case.

Sincerely,
Louis A. Wiesner

Louis A. Wiesner
Director
Office of Refugee and
Migration Affairs

Mr. Sol Marks,
District Director,
Immigration and Naturalization Service,
20 West Broadway,
New York, New York 10007.

ADC 503 HOMER/WJL

March 1, 1974

Director
Office of Refugee and Migration Affairs
Department of State
Washington, D.C. 20520

Dear Sir:

Your recommendation is requested in the case of Antonine Thurel who has made application for political asylum.

Mr. Thurel, a native and citizen of Haiti, was born in Port Margot, Haiti, on June 13, 1931. He resided in Haiti from birth until his entry into the United States as a non-immigrant visitor for pleasure on August 2, 1970. He was authorized to remain in the United States until August 24, 1970. He remained beyond this date and therefore on January 7, 1971 deportation proceedings were instituted.

Mr. Thurel has no immediate relatives in the United States. His father is deceased. His mother is presently living in Montreal, Canada.

Mr. Thurel's passport, No. 2868-26 issued in Port-au-Prince, Haiti on August 27, 1969 and valid until August 25, 1971, contains a non-immigrant visa issued at Port-au-Prince on July 22, 1970 valid until January 25, 1971 for multiple entries.

Attached is an affidavit submitted by Mr. Thurel in which he explains his reasons for requesting political asylum.

Very truly yours,

SOL MARKS

SOL MARKS
DISTRICT DIRECTOR
NEW YORK DISTRICT

Enclos:

WJI/ec

FILE COPY

UNITED STATES DEPARTMENT OF JUSTICE
Immigration and Naturalization Service

No.

ORDER TO SHOW CAUSE, NOTICE OF HEARING, AND WARRANT FOR ARREST OF ALLEN

In Deportation Proceedings under Section 242 of the Immigration and Nationality Act

UNITED STATES OF AMERICA:

File No. A20-525-052

In the Matter of THIREL, Antoine

Respondent

731 Amsterdam Avenue, Apt. 2B, New York, New York 10024
Address (number, street, city, state and zip code)

Upon inquiry conducted by the Immigration and Naturalization Service, it is alleged that:

1. You are not a citizen or national of the United States;
2. You are a native of Haiti and a citizen of Haiti
3. You entered the United States at Miami, Florida
or about August 2, 1970;

4. At that time you were admitted as a nonimmigrant visitor for pleasure.

5. You have been authorized to remain in the United States until August 24, 1970.

6. You remained in the United States thereafter without authority.

AND on the basis of the foregoing allegations, it is charged that you are subject to deportation pursuant to the following provision(s) of law:

Section 241(h)(2) of the Immigration and Nationality Act, in that, after admission as a nonimmigrant under Sec. 101(a) (15) of said act you have remained in the United States for a longer time than permitted.

WHEREFORE, YOU ARE ORDERED to appear for hearing before an Immigration Judge of the Immigration and Naturalization Service of the United States Department of Justice at 731 Amsterdam Avenue, Apt. 2B, New York, New York 10024 on September 7, 1970 at 10:00 a.m. and show cause why you should not be deported from the United States on the charges set forth above.

WARRANT FOR ARREST OF ALLEN

We, the undersigned, authority vested in me by the Immigration Laws of the United States and the regulations issued pursuant thereto, do hereby command that you be taken into custody for proceedings thereafter in accordance with the applicable provisions of the Immigration Laws and regulations, and this order shall serve as a warrant to any Immigration Officer to take you into custody. The conditions for your detention or release are set in the reverse hereof.

Dated: August 7, 1970

Sal Maresca
Immigration and Naturalization Service

DISTRICT DIRECTOR, NEW YORK, D. C.
(City and State)

ONLY COPY AVAILABLE

COPIES RECEIVED
I. Thomas J. Cahill
UNITED STATES ATTORNEY
2-13-76 J